

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1694.01  
**COMPLAINT INVESTIGATOR:** Sandie Scudder  
**DATE OF COMPLAINT:** February 16, 2001  
**DATE OF REPORT:** March 16, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** April 4, 2001

Whether the Fremont Community Schools and the Northeast Indiana Special Education Cooperative violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written.
- 511 IAC 7-27-3(a)(2) and 511 IAC 7-27-3(a)(3) with regard to the school's alleged failure to include the student's teacher of record and a general education teacher as participants in the case conference committee meetings regarding the student.

During the course of the investigation, additional issues were identified, which are:

- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record regularly monitored the implementation of the Student's IEP.
- 511 IAC 7-27-6(a)(7)(B) with regard to the school's alleged failure to include in the student's IEP a statement of how the student's parents will be regularly informed of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the twelve (12) month period.

**FINDINGS OF FACTS:**

1. The student (Student) is 16 years old and is eligible for special education as a student with a Learning Disability.
2. The Assistant Principal conducted a meeting on September 13, 2000, with the general education teachers, resource teacher, complainant and Student to review the contents of the IEP dated April 19, 2000. The IEP contains a number of adaptations and modifications, including teachers contacting the parents if the Student's grades drop or the Student misses assignments. The teachers had previously received copies of the adaptations and were informed that they were to be implemented.
3. During the first grading period the Student received a "B" for his work in Spanish class. In the second grading period, the Student was missing 8 assignments and had an F as a grade. The student's Spanish teacher did not inform the parent of the missing assignments or the failing grade. The TOR did not inform the parent either.
4. The TOR left shortly after the November 16, 2000, CCC meeting was convened. The TOR has

since been directed by the Principal to make arrangements to attend the entire CCC for students for whom she is TOR.

5. The CCC Reports dated March 18 and August 31, 1999 and January 23, 2001, indicate that general education teachers were in attendance at the CCC meetings, however; there were no general education teachers in attendance at the Annual Case Review on April 19, 2000.
6. The Student's IEP, dated April 19, 2000, does not state how the parents will be informed of the student's progress toward the annual goal.

#### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that the parents were to be informed when the Student's grades dropped or assignments were missed. Neither the Student's Spanish teacher nor the TOR notified the Complainant of the missing assignments and the drop in the letter grade. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
2. Findings of Fact #4 and #5 indicate that the Student's CCC meetings did not always include a general education teacher and that the TOR did not always attend the entire conference. Therefore, violations of 511 IAC 7-27-7-3(a)(2) and 511 IAC 7-27-3(a)(3) occurred.
3. Findings of Fact #2 and #3 indicate that the TOR failed to monitor the implementation of the IEP. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 occurred.
4. Finding of Fact #6 indicates that the IEP failed to state how the parents would be informed of the Student's progress toward the annual goal. Therefore, a violation of 511 IAC 7-27-6(a)(7)(B) occurred.

**The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Fremont Community Schools and the Northeast Indiana Special Education Cooperative shall:

1. In-service appropriate staff regarding the requirements as specified in:
  - 511 IAC 7-27-7(a)
  - 511 IAC 7-27-3(a)(2)
  - 511 IAC 7-27-3(a)(3)
  - 511 IAC 7-27-7(b)
  - 511 IAC 7-17-72

**Submit documentation to the Division that the inservice has been completed no later than April 6, 2001. The documentation should include an agenda of all issues discussed, any handouts that were distributed, and list of attendees by name and title.**

2. Reconvene the CCC and revise the IEP to include how the parents will be notified of the Student's progress and how often they will be notified. **Submit the revised CCC Report/IEP to the Division no later than March 30, 2001.**